

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Dale Avenue, 28 ft. (+/-)
NE of c/l Meise Drive * ZONING COMMISSIONER
605 Dale Avenue
14th Election District * OF BALTIMORE COUNTY
6th Councilmanic District
Legal Owner: Robert L. Krach * Case No. 96-433-A
Contract Purchaser: O'Shea &
Murphy, Builders, Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 605 Dale Avenue in the Overlea section of Baltimore County. The Petition is filed by Robert L. Krach, property owner and O'Shea and Murphy, Builders, Contract Purchasers. Variance relief is requested from Section 303.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to right of way distance (front setback) of 25 ft., in lieu of the required 40 ft., (as determined by front yard averaging); and a variance from Section 303.1 of the BCZR and Section 1B02.3.C.1.a as described in the Zoning Commissioner's Policy Manual to permit a building to right of way setback (side yard) of 20 ft. in lieu of the required 40 ft., all for proposed lot 1. For the proposed lot 2, variance relief is requested from Sections 1B02.3.C.1 and 301.1.A of the BCZR to permit a front yard setback for an existing front porch of 14 ft. in lieu of the required 18 ft. 9 inches. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Timothy S. O'Shea, a principal of O'Shea and Murphy Builders, contract purchasers. Also present was George McCubbin of W. Duvall and Associates, Inc., the engineering firm which prepared the site plan. The Petitioners were represented by Newton A. Williams, Esquire. Gene Milching, who resides at 609 Dale Avenue, appeared in opposition to the request.

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

Mr. O'Shea testified and stated that his company is a small builder which specializes in the construction of single family dwellings on in-fill lots. He indicated that the subject property, known as 605 Dale Avenue, is situated at the northeast corner of the intersection of Dale Avenue and Meise Drive in Overlea. The lot is rectangular in shape and currently is improved with an existing 2-1/2 story dwelling. Mr. O'Shea testified that he has entered into a contract to purchase the lot from its owner, Robert L. Krach. He proposes to subdivide the property so as to create two lots. Lot No. 2 will be .2025 acres in area and will contain the existing dwelling. As shown on the site plans and the photographs, the dwelling is located to the rear of the property, when same is faced from Dale Avenue. Thus, the subdivision line will essentially divide the property into a front and rear portion.

The front portion of the lot will be improved with a proposed dwelling shown on the site plan to be 44 ft. in width by 28 ft. in depth. It is envisioned that the proposed dwelling will front Dale Avenue.

Variance relief is necessary to approve the front and side yard distances for the proposed house and legitimize the new front property line for the existing house as created by the subdivision. Mr. O'Shea also testified that the new dwelling would be compatible with the existing houses in the area and would be priced in the \$112,000 to \$119,000 range. Mr. O'Shea's testimony also described the subject neighborhood and indicated that efforts would be made to preserve and retain a large oak tree which is situated on the corner of the lot.

George McCubbin, of W. Duvall and Associates, Inc., also testified. He described the current configuration of the property as approximately 80 ft. in width and 200 ft. in depth, and indicated that a minor subdivision plan has been submitted proposing division of the lot. He indicated that

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By

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the existing house was built in approximately 1915 and stated that strict compliance with the zoning regulations would prohibit construction of a new dwelling on the property, as shown.

Mr. Milching appeared in opposition. He has resided in the neighborhood for approximately 42 years and opposes any new construction. He believes that the lot should not be subdivided. He also presented a letter in opposition to the request signed by several neighbors of the community.

In considering the plan in context with the community, the proposed subdivision appears appropriate. It is of particular note that the community of Elmwood is located immediately across Dale Avenue from the subject lot. Houses in that community which front Dale Avenue are duplex in character. Although well maintained, the existence of this style of housing demonstrates that the community is composed of high density form of housing, as opposed to single family detached dwellings on large lots. Moreover, the houses fronting Dale Avenue on the other side of Meise Drive are on relatively modest side lots. The proposed lot No. 1 is consistent in size with those lots and the house style will be appropriate. Moreover, both lots are sufficiently sized under the D.R.5.5 zoning classification.

As to Lot No. 1, the variance relief shall be granted. In my judgment, the proposed 25 ft. front yard setback is consistent with other houses in the community and the 20 ft. side yard setback is also appropriate. Strict adherence with the regulations would result in the relocation of the new house closer to the existing dwelling, an undesirable result. For these reasons, the variance relief shall be granted. Moreover, the Petitioner shall make best efforts to preserve and retain the large oak

ORDER RECEIVED FOR FILING

Date

By

tree which is located on the corner of lot No. 1 and adjacent to the intersection.

As to the variance for lot No. 2, same shall be denied, as moot. In this regard, the variance which is shown on the site plan requests relief to allow a 14 ft. front yard setback. That distance is shown from the porch to what will become the rear property line for lot No. 1. In my judgment, construction of the proposed dwelling on lot No. 1 requires re-orientation of the existing dwelling to Meise Drive. That is, it is inappropriate to have the front yard and orientation of the existing dwelling face the rear yard of the proposed dwelling. In this regard, I will require the Petitioners to submit an appropriate plan, including schematic drawings as may be required, to the Office of Planning for consideration and approval. Such plan will indicate the re-orientation of the house towards Meise Drive, away from Dale Avenue. The changes required to the dwelling may be cosmetic in nature, only, or may require further alterations to the dwelling. In any event, the final judgment of the Office of Planning will be binding upon the Petitioners in this regard.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted, in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1st day of July, 1996 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to right of way distance (front setback) of 25 ft., in lieu of the required 40 ft., (as determined by front yard averaging); and a variance from Section 303.1 of the BCZR and Section 1B02.3.C.1.a as described in the Zoning Commissioner's Policy Manual to permit a building to right of way

ORDER RECEIVED FOR FILING

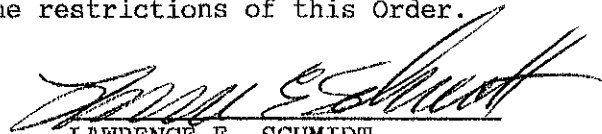
Date

By

setback (side yard) of 20 ft. in lieu of the required 40 ft., all for proposed lot 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 1B02.3.C.1 and 301.1.A of the BCZR, for proposed lot No. 2, to permit a front yard setback for an existing front porch of 14 ft. in lieu of the required 18 ft. 9 inches, is hereby MOOT, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners will make best efforts to save the large oak tree located immediately adjacent to the intersection of Meise Drive and Dale Avenue.
3. The Petitioners shall submit for review and approval by the Office of Planning such drawings and plans as are required to re-orient the existing dwelling so that the front of same faces Meise Drive.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.



LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES/mmn

ORDER RECEIVED FOR FILING

Date

7/1/96

By

M. Gosh

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

July 1, 1996

Newton A. Williams, Esquire
Nolan, Plunhoff and Williams
210 W. Pennsylvania Avenue
Suite 700
Towson, Maryland 21204

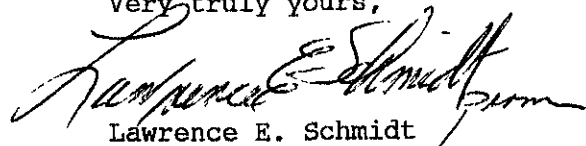
RE: Case No. 96-433-A
Petition for Zoning Variance
Location: 605 Dale Avenue
Legal Owner: Robert L. Krach
Contract Purchaser: O'Shea & Murphy Builders, Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,


Lawrence E. Schmidt
Zoning Commissioner

LES:mmn
att.

c: Mr. Timothy S. O'Shea, 530 E. Joppa Road, Towson, Md. 21286
c: Mr. Gene Milchling, 609 Dale Avenue, Balto.Md. 21206

MICROFILMED





Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

96-433-A

605 Dale Avenue

which is presently zoned

DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment 'A'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be discussed at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:

O'Shea & Murphy Builders
(Type or Print Name)

Signature Robert L. O'Shea (Pres.)

530 E. Joppa Road
Address

Towson, Maryland 21286
City State Zipcode

Attorney for Petitioner:

Nolan, Plunhoffs & Williams
(Type or Print Name)

Newton Williams

Signature Newton A. Williams

210 W. Pennsylvania Avenue
Suite 700 - Court Towers 823-7856
Address Phone No.

Towson, Maryland 21204
City State Zipcode

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Robert L. Krach
(Type or Print Name)

Signature Robert L. Krach

Robert L. Krach
(Type or Print Name)

Signature

605 Dale Avenue 668-1517
Address Phone No.

Baltimore, Maryland 21206
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

ENGINEER: W. Duvall & Associates, Inc.

G. Dwight Little, Jr. P.E. 16019
Name

530 E. Joppa Road 583-9571
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: Sum DATE 5-2-96



MICROFILMED

430

ATTACHMENT 'A'
ZONING VARIANCE REQUEST
605 DALE AVENUE

96-433-A

PROPOSED LOT 1

Variance from Section 303.1 (B.C.Z.R.) to permit a building to Right-of-Way distance (front setback) of 25 feet in lieu of the required 40 feet distance (by front yard averaging), and a variance from Section 303.1 (B.C.Z.R.) and Section 1B02.3.C.1.a of the Zoning Commissioners Policy Manual to permit a building to Right-of-Way setback (side yard) of 20 feet in lieu of the required ²⁵₄₀ feet.

PROPOSED LOT 2

Variance from Sections 1B02.3.C.1 and 301.1A (B.C.Z.R.), to permit a front yard setback (existing front porch) of 14' in lieu of the required 18'9".

430

6-10-2010

W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

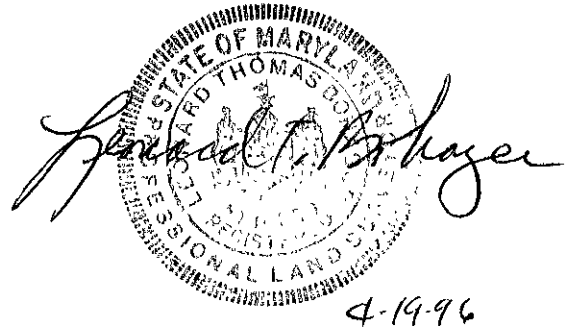
April 19, 1996

ZONING DESCRIPTION FOR
605 DALE AVENUE
14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

96-433-A

BEGINNING at a point on the east side of Dale Avenue which is 40 feet wide at a distance of 28 feet northeasterly of the centerline of the nearest improved intersecting street, Meise Drive which is 45 feet wide; thence north 23 degrees 05 minutes 45 seconds West 80.00 feet, North 71 degrees 15 minutes 15 seconds East 210.00 feet, South 23 degrees 05 minutes 45 seconds East 80.00 feet, and South 71 degrees 15 minutes 15 seconds West 210.00 feet to the place of beginning. Containing 0.384 acres of land, more or less. As recorded among the Land Records of Baltimore County in Liber S.M. 10884 Folio 709.

430



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CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY

Towson, Maryland

96-433-A

District 14th Date of Posting 3/27/96

Posted for: Donovan

Petitioner: Robert A. Kead

Location of property: 605 Dale Ave

Location of Signs: Facing roadway on property being zoned

Remarks: _____

Posted by MMH Date of return: 3/31/96

Number of Signs: 1

MICROFILMED

BALTIMORE COUNTY, MARYLAND 430
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

DATE 5-2-96 ACCOUNT 1001-6150

AMOUNT \$ 85.00

RECEIVED FROM: Robert Krach 615 DALL AVE.

FOR: VNR. (CIC) 50.00

FOR: P. (CIC) 35.00

MICROFILMED

DISTRIBUTION
WHITE - CASHIER PINK - AGENCY YELLOW - CUSTOMER
VALIDATION OR SIGNATURE OF CASHIER
96-433

NOTICE OF HEARING

The Zoning Commission of Baltimore County, Maryland, is holding a public hearing on the proposed rezoning of the property at the intersection of the County of Baltimore and the County of Howard, Maryland, in the property identified herein, in Room 105 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case #96-433-A

(Item 430)

605 Dale Avenue, 28' x 4' NE of

ES Dale Avenue, 28' x 4' NE of

of Maise Drive

14th Election District

6th Councilmanic

Legal Owner(s):

Robert L. Katz

Contract Purchaser(s):

O'Shea & Murphy Builders

Variance to permit a building to right-of-way assistance

(front setback) of 25 feet in

lieu of the current setback

of 30 feet (for front yard setback)

ing), and to permit a building to right-of-way assistance

yard) of 20 feet in lieu of the

required 40 feet for proposed

Lot #1; and to permit a building

yard setback assistance in lieu

porch) of 14 feet in lieu of the

required 18 feet 9 inches for

Proposed Lot 2

Hearing: Monday, June 10,

1996 at 11:30 a.m. in Room

118, Old Courthouse.

LAWRENCE E. SCHMIDT

Zoning Commissioner for

Baltimore County

NOTES: (1) Hearings are

Handicapped Accessible for

special accommodations

Please Call 867-3333.

(2) For information concerning

ing the File and/or Hearing.

Please Call 867-3331.

5240 May 16 CS2604

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

May 17, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on *May 16, 1996*.

THE JEFFERSONIAN,

A. Henrichson

LEGAL AD. - TOWSON

RECORDED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be accessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 430 Petitioner: O'SHEA & MURPHY BUILDERS

Location: 605 DALE AVE., BMD. , MD. 21206

PLEASE FORWARD ADVERTISING BILL TO:

NAME: O'SHEA & MURPHY BUILDERS

ADDRESS: 530 E. JOPPA ROAD

TOWSON, MARYLAND 21286

PHONE NUMBER: 410 - 823-1012

TO: PUTUXENT PUBLISHING COMPANY
May 16, 1996 Issue - Jeffersonian

Please forward billing to:

O'Shea & Murphy Builders
530 E. Joppa Road
Towson, MD 21286
823-1012

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-433-A (Item 430)
605 Dale Avenue
E/S Dale Avenue, 28' +/- NE of c/l Meise Drive
14th Election District - 6th Councilmanic
Legal Owners(s): Robert L. Krach
Contract Purchaser(s): O'Shea & Murphy Builders

Variance to permit a building to right-of-way distance (front setback) of 25 feet in lieu of the required 40 feet distance (by front yard averaging), and to permit a building to right-of-way setback (side yard) of 20 feet in lieu of the required 40 feet for Proposed Lot #1; and to permit a front and setback (existing front porch) of 14 feet in lieu of the required 18 feet, 9 inches for Proposed Lot 2.

HEARING: MONDAY, JUNE 10, 1996 at 11:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

MICROFILMED

MICROFILMED





Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-433-A (Item 430)
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HEARING: MONDAY, JUNE 10, 1996 at 11:30 a.m. in Room 118, Old Courthouse.

A handwritten signature in cursive script, reading "Arnold Jablon".

Arnold Jablon
Director

cc: Robert L. Krach
W. Duvall & Associates, Inc.
O'Shea & Murphy Builders
Newton Williams, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

MICROFILMED



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 5, 1996

Newton Williams, Esquire
210 W. Pennsylvania Avenue
Suite 700-Court Towers
Towson, MD 21204

RE: Item No.: 430
Case No.: 96-433-A
Petitioner: Robert L. Krach

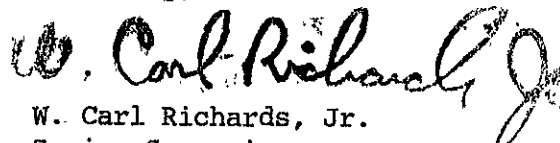
Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 2, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,


W. Carl Richards, Jr.
Zoning Supervisor

WCR/re
Attachment(s)

MICROFILMED



BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM

DATE: 6-4-96

FROM: R. Bruce Seeley
Permits and Development Review
DEPRM

SUBJECT: Zoning Advisory Committee
Meeting Date: May 13/1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s: 423 432
424 433
425 434
426 435
428 436
429
430
431

Seeley

RBS:sp

BRUCE2/DEPRM/TXTSBP

MICROFILMED

B A L T I M O R E C O U N T Y , M A R Y L A N D

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
 Permits and Development
 Management

DATE: May 23, 1996

FROM: Pat Keller, Director
 Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):

Item Nos. 430 and 432.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by:

Jeffrey W. Long

Division Chief:

Carol L. Keller

PK/JL/lw

B A L T I M O R E C O U N T Y , M A R Y L A N D

I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director
 Department of Permits & Development
 Management

Date. May 20, 1996

FROM: *RWB* Robert W. Bowling, Chief
 Development Plans Review Division
 Department of Permits & Development
 Management

SUBJECT: Zoning Advisory Committee Meeting
 for May 20, 1996
 Item Nos. 423, 425, 426, 428, 429,
 430, 434, 436

The Development Plans Review Division has reviewed the subject zoning item, and we have no comments.

RWB:HJO:jrb

cc: File

ZONE10

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 13, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 423, 424, 425, 426, 428,
429, 430, 431, 432, 433, 435 AND 436.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

5-10-96

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 430 (JCM)


Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for 
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Imp.
1-800-735-2258 State

Mailing Address: P.O. Box 717 •

Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Kodak *ds*
digital science™

DEMO

RE: PETITION FOR VARIANCE
605 Dale Avenue, E/S Dale Avenue, 28'+/-
NE of c/l Meise Drive, 14th Election
District, 6th Councilmanic

Legal Owner: Robert L. Krach
Contract Pur.: O'Shea & Murphy Builders
Petitioners

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* CASE NO. 96-433-A

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1996, a copy of the foregoing Entry of Appearance was mailed to Newton A. Williams, Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite 700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman

PETER MAX ZIMMERMAN

MICROFILMED

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

823-7800

Newton A. Williams

700 Court Towers, 210 W. Penn.

TIMOTHY S. O'Shea

530 E. Joppa Rd. ^{Towson} 21286 Ave.

George McCusker

W. DUMM ASSOC. 21204
530 E. Joppa Rd. 21286

PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

Gene MILCHLING

609 DALE AVENUE

21206

MICROFILMED

CASE

Person
118

96 433A

WE THE UNDERSIGNED RESIDENTS OF PROPERTY AROUND THE PROPOSED NEW HOUSE TO BE LOCATED AT 605 DALE AVENUE 21206 DO NOT WANT ANY ZONING VARIANCE FOR SAID PROPERTY. OUR REASONS ARE:

- 1: ANY HOUSE BUILT ON THIS LOT WOULD REQUIRE CUTTING DOWN AN OAK TREE LOCATED ON THE CORNER OF THE PROPERTY THAT WE THINK IS ABOUT 150 YEARS OLD.
2. ANY HOUSE SET BACK 40 FEET WOULD BE BUILT OVER EXISTING SEWER LINES FROM 607 & 609 DALE AVENUE.
3. ANY HOUSE BUILT ON THIS LOT WOULD HAVE TO BE BUILT SO CLOSE TO 607 DALE AVENUE AND THE OLD 605 DALE AVENUE HOUSES THAT IT WOULD DETRACT FROM OUR PROPERTY VALUES.
4. THERE IS ALREADY VERY LITTLE ON STREET PARKING ON DALE AVENUE LEFT AND THERE WILL BE NO WAY TO CUT A DRIVEWAY INTO THIS LOCATION.

Gene & Barb Milchberg 609 Dale Avenue

Glenn & Mary Wied 614 Dale Ave

Dorothy C. Tew 610 Dale Ave

Louis J. Heffner 604 Dale Ave

Nath W. White 603 Dale Ave

Anna Edgerton 612 Dale Ave

Sandra Bennett 612 Dale Ave

Alan Milchberg 609 DALE AVE.

Irene Haak 4607 Ridgeway Ave.

Kathleen Sweeney 608 Dale Ave

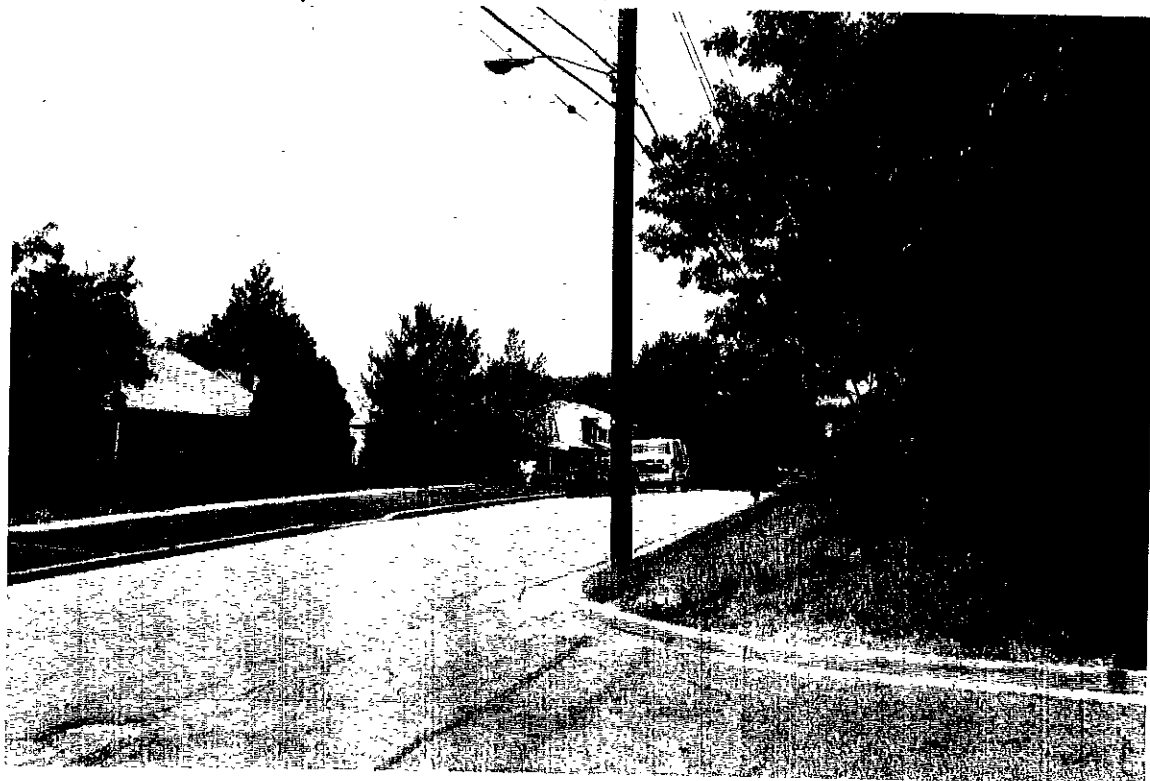
ENCLOSURE

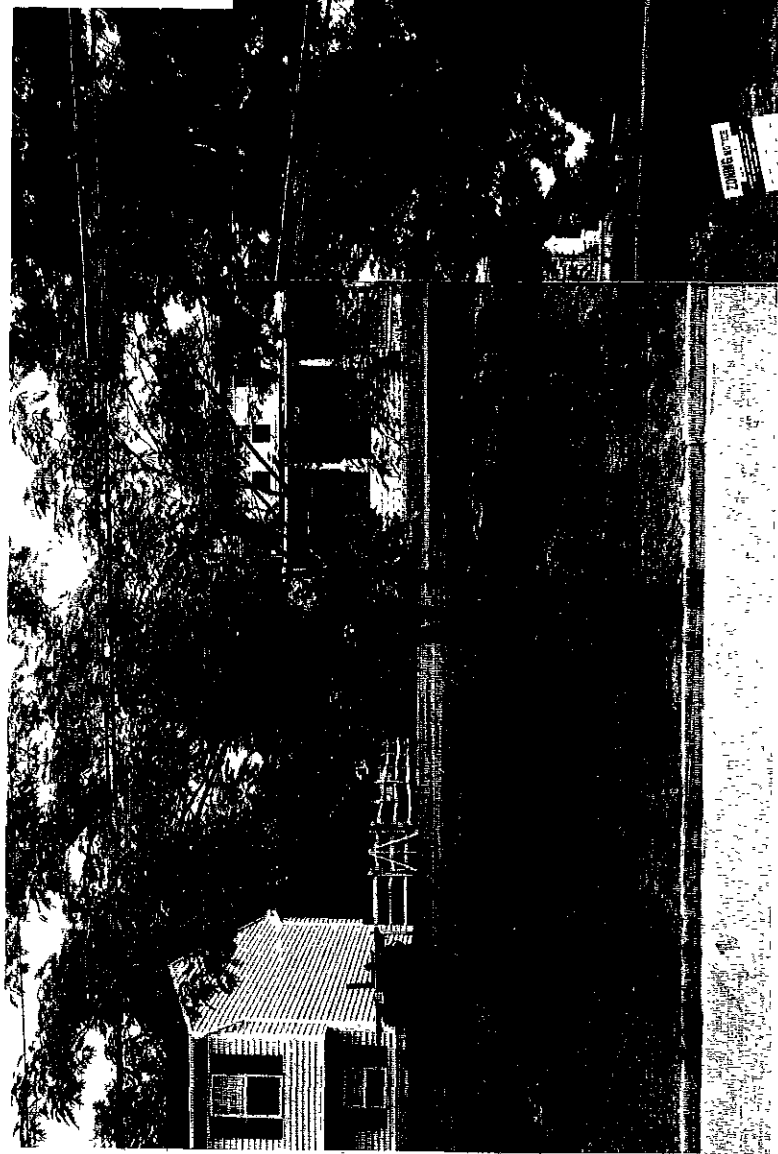
Prot. No 1

C.
Looking
S →
on
Rale.
across
Meise Ave.



R. ↓ NE/C of Rale and Meise,





Subject Site

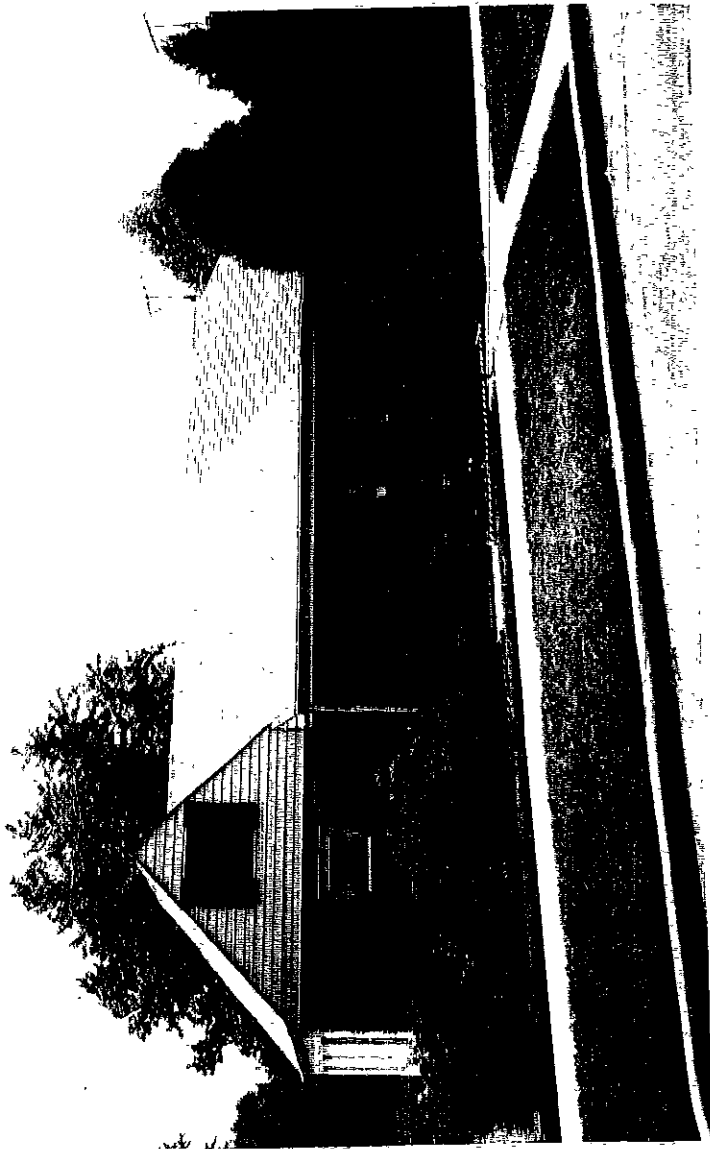


*Mess
Ave,*



E. 607 Dale.

MICROFILMED

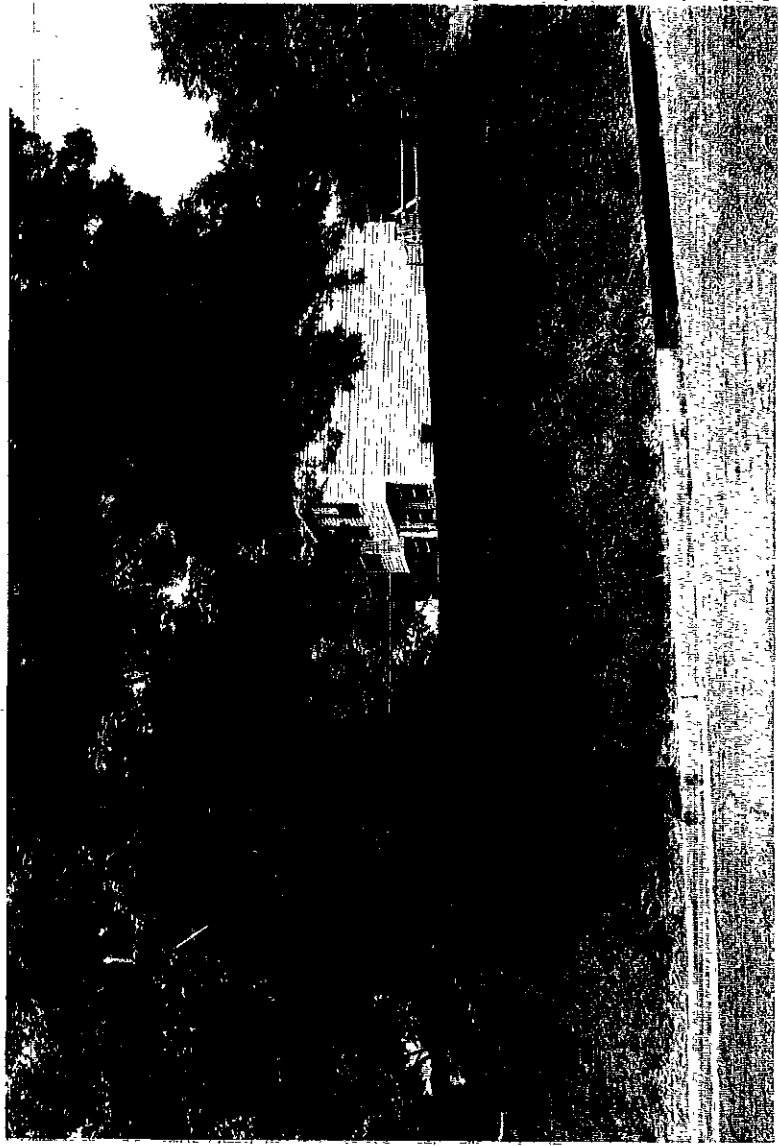


F. W/S of Dale opposite site - Semi detached homes - excellent shape

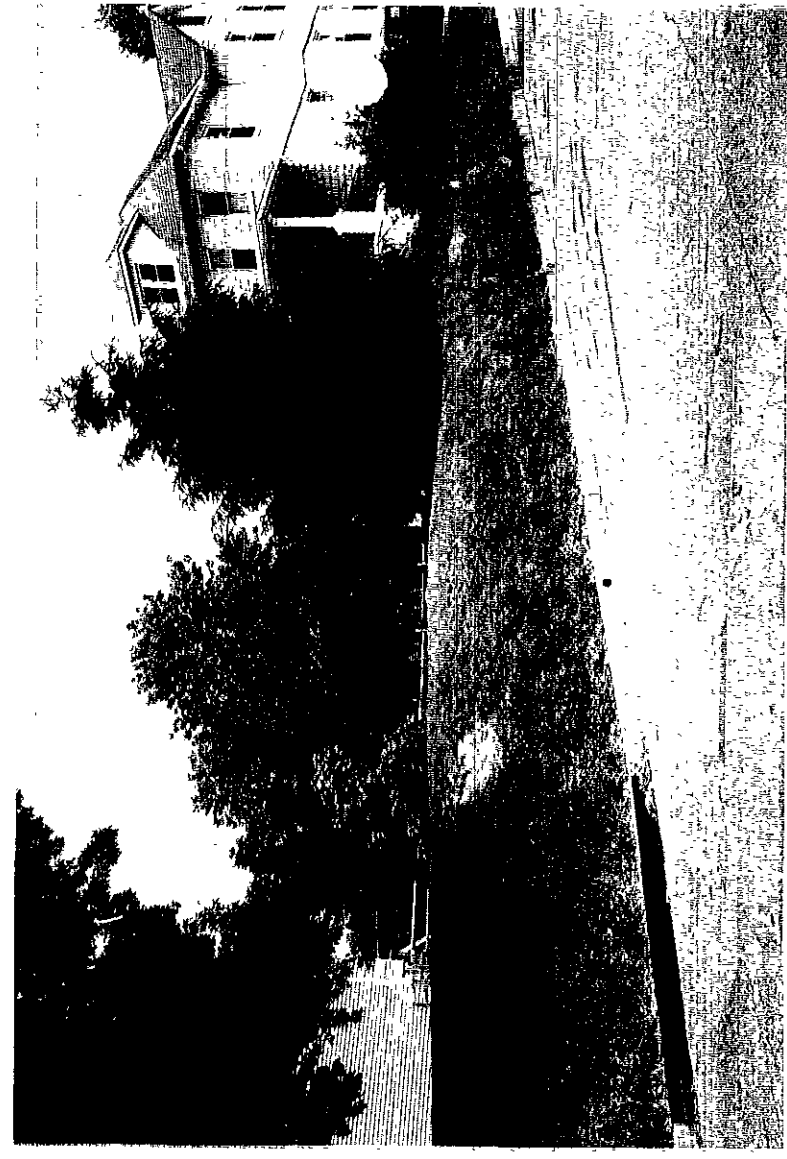


MICROFILMED

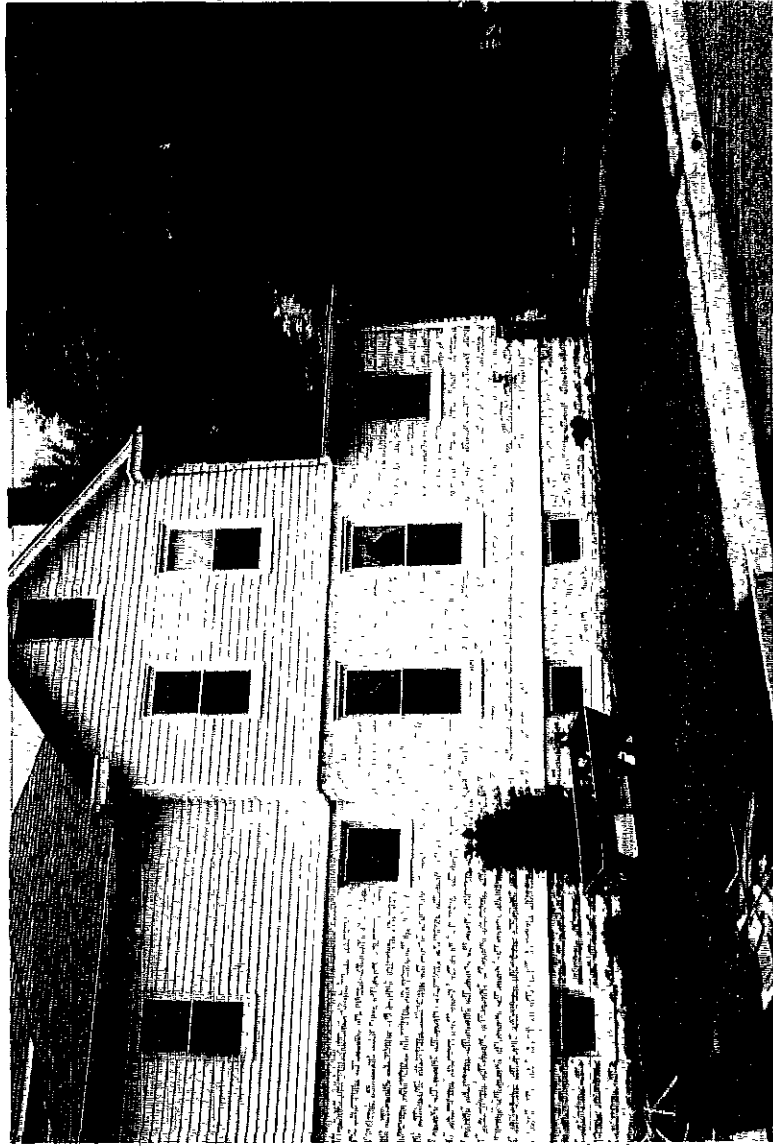
G. Looking N on
Dale Ave.



N/S of Meisel Ave. looking N/E at site



MICROFILMED



from N/Soy Mill Ave.



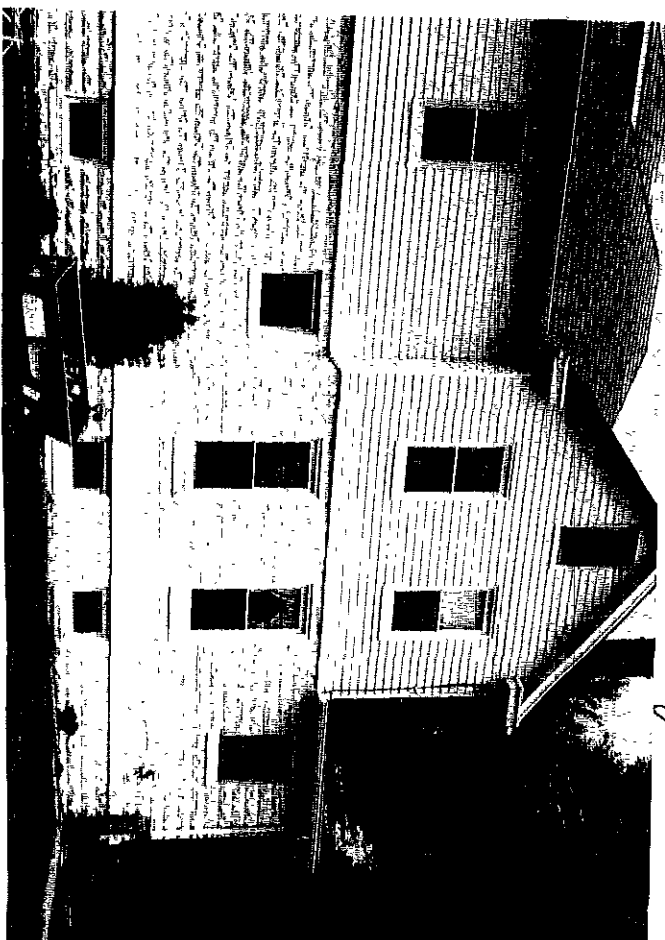
L. Looking at present



DEVELOPMENT

Kodak *ds*
digital science™
DEMO

H. Hooker N at present 605 Dale Ave., to be changed to Meade Ave.



RECEIVED
FEB 11 1931



J. Looking W on Meise toward
Duke at site

MICROFILMED



K. Looking E on Meise from
site

Gross Area: 0.3042 Ac.+
Highway Widening Area: 0.0241 Ac.+
Allowance for Road Frontage: 0.1331 Ac.+
Net Area: 0.5173 Ac.+
Existing & Proposed Zoning: DR 5.5 (Map NE 5-E)
Existing Use: Residential - Single Family Dwelling
Proposed Use: 2 Single Family Dwellings
Density Calculations:
Units Allowed - $5.5 \times 0.5173 \text{ Ac.} = 2.85$
Units Proposed - 2
Water & Sewer Designations: W-1, S-1
Tax Map No. 81 Grid 22 Parcel 893
Census Tract: 4404 Regional Planning District: 320
Watershed: 22 Subwatershed: 47
Councilmanic District: 6
School District: Elmwood Elem.
Parking Required: 2 P.S./Lot x 2 lots = 4 P.S.
Parking Provided: 4 P.S. (9'x18')

GENERAL NOTES

1. Topography shown is taken from Baltimore County 200 scale Photogrammetric Map NE 5-E.
2. Tract boundary shown is from a boundary survey prepared by APR Associates, Inc., 7427 Harford Rd. Baltimore, MD 21234.
3. There are no known critical areas, hazardous waste sites, endangered species habitats, floodplains, archaeological or historical sites on this property.
4. This property has been held intact since MAY 3, 1948.
5. The developer's surveyor has confirmed that no part of the gross area of this property as shown on the plan has ever been utilized, recorded or represented as density or area to support any off-site dwellings.
6. This property has no known prior zoning cases.
7. A waiver of Open Space requirements will be applied for.
8. Development grading will maintain the existing drainage characteristics.

8. Development run-off will be conveyed to a suitable outfall without imposing adverse impacts on the receiving waterbody, watercourse, wetland, storm drain or off-site property.
9. There are no known underground storage tanks on site.
10. Entire site consists of "Beltsville" (Bub) Urban Land Complex from Baltimore County Soil Survey - Map No. 40.
11. Property is exempt from Forest Conservation requirements.
12. Proposed Dwelling must meet front averaging setback per section 303.1 (B.C.Z.R.).
13. All impervious areas should be limited to 30% of cleared area and conveyed as sheet flow through vegetated areas without concentrating or cause erosion.
14. House down spouts are to be discharged onto pervious areas or into dry wells, where feasible.
15. Additional subdivision on these parcels and/or lots will require SWM controls for this site and the additional subdivision.

DATE: FEB. 28, 1996
SCALE: 1"=40'
MINOR SUBDIVISION REF. NO. 96-038-M
BALTO. COUNTY, MD.
HATH ELEC. DIST.

96102A

W. DUVAL & ASSOCIATES, INC.
ENGINEERS • SURVEYORS • LAND PLANNERS
530 EAST JOPPA ROAD
TOWSON, MARYLAND 21286
(410) 583-9571

OWNER
ROBERT L. KRACH
605 DALE AVE,
BALTO., MD. 21206
DEED REF. 10884/709
TAX ACCT. NO. 14-04020901

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
E/S Dale Avenue, 28 ft. (+/-) * ZONING COMMISSIONER
NE of c/I Meise Drive
605 Dale Avenue * OF BALTIMORE COUNTY
14th Election District
6th Councilmanic District
Legal Owner: Robert L. Krach * Case No. 96-433-A
Contract Purchaser: O'Shea & Murphy, Builders, Petitioners
* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 605 Dale Avenue in the Overlea section of Baltimore County. The Petition is filed by Robert L. Krach, property owner and O'Shea and Murphy, Builders, Contract Purchasers. Variance relief is requested from Section 303.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to right of way distance (front setback) of 25 ft., in lieu of the required 40 ft., (as determined by front yard averaging); and a variance from Section 303.1 of the BCZR and Section 1802.3.C.1.a as described in the Zoning Commissioner's Policy Manual to permit a building to right of way setback (side yard) of 20 ft. in lieu of the required 40 ft., all for proposed lot 1. For the proposed lot 2, variance relief is requested from Sections 1802.3.C.1 and 301.1.A of the BCZR to permit a front yard setback for an existing front porch of 14 ft. in lieu of the required 18 ft. 9 inches. The subject property and requested relief are more particularly shown on the plat to accompany the Petition for Variance, marked as Petitioners' Exhibit No. 1.

Appearing at the public hearing held for this case was Timothy S. O'Shea, a principal of O'Shea and Murphy Builders, contract purchasers. Also present was George McCubbin of W. Duvall and Associates, Inc., the engineering firm which prepared the site plan. The Petitioners were represented by Newton A. Williams, Esquire. Gene Milching, who resides at 609 Dale Avenue, appeared in opposition to the request.

ORDER RECEIVED FOR FILING
Date 7/1/96
By Th. Frank

Mr. O'Shea testified and stated that his company is a small builder which specializes in the construction of single family dwellings on in-fill lots. He indicated that the subject property, known as 605 Dale Avenue, is situated at the northeast corner of the intersection of Dale Avenue and Meise Drive in Overlea. The lot is rectangular in shape and currently is improved with an existing 2-1/2 story dwelling. Mr. O'Shea testified that he has entered into a contract to purchase the lot from its owner, Robert L. Krach. He proposes to subdivide the property so as to create two lots. Lot No. 2 will be .2025 acres in area and will contain the existing dwelling. As shown on the site plans and the photographs, the dwelling is located to the rear of the property, when same is faced from Dale Avenue. Thus, the subdivision line will essentially divide the property into a front and rear portion.

The front portion of the lot will be improved with a proposed dwelling shown on the site plan to be 44 ft. in width by 28 ft. in depth. It is envisioned that the proposed dwelling will front Dale Avenue.

Variance relief is necessary to approve the front and side yard distances for the proposed house and legitimize the new front property line for the existing house as created by the subdivision. Mr. O'Shea also testified that the new dwelling would be compatible with the existing houses in the area and would be priced in the \$112,000 to \$119,000 range. Mr. O'Shea's testimony also described the subject neighborhood and indicated that efforts would be made to preserve and retain a large oak tree which is situated on the corner of the lot.

George McCubbin, of W. Duvall and Associates, Inc., also testified. He described the current configuration of the property as approximately 80 ft. in width and 200 ft. in depth, and indicated that a minor subdivision plan has been submitted proposing division of the lot. He indicated that

ORDER RECEIVED FOR FILING
Date 7/1/96
By Th. Frank

-2-

the existing house was built in approximately 1915 and stated that strict compliance with the zoning regulations would prohibit construction of a new dwelling on the property, as shown.

Mr. Milching appeared in opposition. He has resided in the neighborhood for approximately 42 years and opposes any new construction. He believes that the lot should not be subdivided. He also presented a letter in opposition to the request signed by several neighbors of the community.

In considering the plan in context with the community, the proposed subdivision appears appropriate. It is of particular note that the community of Elmwood is located immediately across Dale Avenue from the subject lot. Houses in that community which front Dale Avenue are duplex in character. Although well maintained, the existence of this style of housing demonstrates that the community is composed of high density form of housing, as opposed to single family detached dwellings on large lots. Moreover, the houses fronting Dale Avenue on the other side of Meise Drive are on relatively modest side lots. The proposed lot No. 1 is consistent in size with those lots and the house style will be appropriate. Moreover, both lots are sufficiently sized under the D.R.5.5 zoning classification.

As to Lot No. 1, the variance relief shall be granted. In my judgment, the proposed 25 ft. front yard setback is consistent with other houses in the community and the 20 ft. side yard setback is also appropriate. Strict adherence with the regulations would result in the relocation of the new house closer to the existing dwelling, an undesirable result. For these reasons, the variance relief shall be granted. Moreover, the Petitioner shall make best efforts to preserve and retain the large oak

ORDER RECEIVED FOR FILING
Date 7/1/96
By Th. Frank

-3-

tree which is located on the corner of lot No. 1 and adjacent to the intersection.

As to the variance for lot No. 2, same shall be denied, as moot. In this regard, the variance which is shown on the site plan requests relief to allow a 14 ft. front yard setback. That distance is shown from the porch to what will become the rear property line for lot No. 1. In my judgment, construction of the proposed dwelling on lot No. 1 requires re-orientation of the existing dwelling to Meise Drive. That is, it is inappropriate to have the front yard and orientation of the existing dwelling face the rear yard of the proposed dwelling. In this regard, I will require the Petitioners to submit an appropriate plan, including schematic drawings as may be required, to the Office of Planning for consideration and approval. Such plan will indicate the re-orientation of the house towards Meise Drive, away from Dale Avenue. The changes required to the dwelling may be cosmetic in nature, only, or may require further alterations to the dwelling. In any event, the final judgment of the Office of Planning will be binding upon the Petitioners in this regard.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted, in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 1ST day of July, 1996 that a variance from Section 303.1 of the Baltimore County Zoning Regulations (BCZR) to permit a building to right of way distance (front setback) of 25 ft., in lieu of the required 40 ft., (as determined by front yard averaging); and a variance from Section 303.1 of the BCZR and Section 1802.3.C.1.a as described in the Zoning Commissioner's Policy Manual to permit a building to right of way

ORDER RECEIVED FOR FILING
Date 7/1/96
By Th. Frank

-1-

setback (side yard) of 20 ft. in lieu of the required 40 ft., all for proposed lot 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that a variance from Sections 1802.3.C.1 and 301.1.A of the BCZR, for proposed lot No. 2, to permit a front yard setback for an existing front porch of 14 ft. in lieu of the required 18 ft. 9 inches, is hereby MOOT, subject, however, to the following restrictions:

1. The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
2. The Petitioners will make best efforts to save the large oak tree located immediately adjacent to the intersection of Meise Drive and Dale Avenue.
3. The Petitioners shall submit for review and approval by the Office of Planning such drawings and plans as are required to re-orient the existing dwelling so that the front of same faces Meise Drive.
4. When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner
for Baltimore County

LES:mmn

ORDER RECEIVED FOR FILING
Date 7/1/96
By Th. Frank

-5-

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4396

July 1, 1996

Newton A. Williams, Esquire
Nolan, Plumbhoff and Williams
210 W. Pennsylvania Avenue
Suite 700
Towson, Maryland 21204

RE: Case No. 96-433-A
Petition for Zoning Variance
Location: 605 Dale Avenue
Legal Owner: Robert L. Krach
Contract Purchaser: O'Shea & Murphy Builders, Petitioner

Dear Mr. Williams:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, with restrictions, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours,

Lawrence E. Schmidt
Lawrence E. Schmidt
Zoning Commissioner

LES:mmn

att:
c: Mr. Timothy S. O'Shea, 530 E. Joppa Road, Towson, Md. 21286
c: Mr. Gene Milching, 609 Dale Avenue, Balto.Md. 21206

Printed with Soybean Ink
on Recycled Paper

Petition for Variance to the Zoning Commissioner of Baltimore County

for the property located at 605 Dale Avenue
which is presently zoned DR 5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

See Attachment 'A'

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)

To be discussed at Hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.
I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser(s):

O'Shea & Murphy Builders

Legal Owner(s):

Robert L. Krach

Address:

530 E. Joppa Road

Towson, Maryland 21286

City State Zipcode

Address:

605 Dale Avenue

Baltimore, Maryland 21206

City State Zipcode

Address:

530 E. Joppa Road

Towson, Maryland 21204

City State Zipcode

Use an advisory decision and affirm, under the penalties of perjury, that you are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Robert L. Krach

Address:

530 E. Joppa Road

Towson, Maryland 21286

City State Zipcode

Address:

605 Dale Avenue

Baltimore, Maryland 21206

City State Zipcode

Address:

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Towson, Maryland 21204

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Address:

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W. DUVALL & ASSOCIATES, INC.

Engineers • Surveyors • Land Planners

April 19, 1996

ZONING DESCRIPTION FOR
605 DALE AVENUE
14TH ELECTION DISTRICT 6TH COUNCILMANIC DISTRICT

BEGINNING at a point on the east side of Dale Avenue which is 40 feet wide at a distance of 28 feet northeasterly of the centerline of the nearest improved intersecting street, Meise Drive which is 45 feet wide; thence north 23 degrees 05 minutes 45 seconds West 80.00 feet, North 71 degrees 15 minutes 15 seconds East 210.00 feet, South 23 degrees 05 minutes 45 seconds East 80.00 feet, and South 71 degrees 15 minutes 15 seconds West 210.00 feet to the place of beginning. Containing 0.384 acres of land, more or less. As recorded among the Land Records of Baltimore County in Liber S.M. 10884 Folio 709.

Arnold T. Jablon
4.19.96

530 East Joppa Road/Towson, Maryland 21286/(410) 583-9571

CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 14th Date of Posting 5/19/96
Posted for: Various
Petitioner: Robert L. Krach
Location of property: 605 Dale Ave.
Location of Sign: Along highway on property being zoned
Remarks:
Posted by: W. Duvall Date of return: 5/24/96
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 17, 1996

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 14, 1996

THE JEFFERSONIAN,
A. Henderson
LEGAL AD. - TOWSON

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed rezoning of the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue, Towson, Maryland 21204, on the following date and time:

Case No. 96-433-A (Item 430)
605 Dale Avenue, 28 1/2' x 111' +/- of c/l Meise Drive
14th Election District - 6th Councilmanic
Legal Owners(s): Robert L. Krach
Contract Purchaser(s): O'Shea & Murphy Builders
Variance to permit a building to right-of-way distance (front setback) of 25 feet in lieu of the required 40 feet distance (by front yard averaging), and to permit a building to right-of-way setback (side yard) of 20 feet in lieu of the required 40 feet for Proposed Lot #1; and to permit a front and setback (existing front porch) of 14 feet in lieu of the required 18 feet, 9 inches for Proposed Lot 2.
Hearing: Monday, June 10, 1996 at 11:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are handicapped accessible. For special accommodations please call 887-3353.
(2) For information concerning the file and/or hearing, please call 887-3391.
5040 May 16 035504

BALTIMORE COUNTY, MARYLAND 430 015000
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE 5-2-96 ACCOUNT RCR-6150
AMOUNT \$ 85.00
RECEIVED FROM: R. Krach 605 Dale Ave.
FOR: Various SS
VALIDATION OR SIGNATURE OF CASHIER
96-433-KC-117



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County zoning regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 430 Petitioner: O'Shea & Murphy Builders

Location: 605 Dale Ave., Towson, MD. 21206

PLEASE FORWARD ADVERTISING BILL TO:

NAME: O'Shea & Murphy Builders

ADDRESS: 530 E. Joppa Road

Towson, Maryland 21206

PHONE NUMBER: 410-823-1012

12

TO: PUTNEY PUBLISHING COMPANY
May 16, 1996 Issue - Jeffersonian

Please forward billing to:

O'Shea & Murphy Builders
530 E. Joppa Road
Towson, MD 21206
823-1012

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-433-A (Item 430)
605 Dale Avenue
28 1/2' x 111' +/- of c/l Meise Drive
14th Election District - 6th Councilmanic
Legal Owners(s): Robert L. Krach
Contract Purchaser(s): O'Shea & Murphy Builders

Variance to permit a building to right-of-way distance (front setback) of 25 feet in lieu of the required 40 feet distance (by front yard averaging), and to permit a building to right-of-way setback (side yard) of 20 feet in lieu of the required 40 feet for Proposed Lot #1; and to permit a front and setback (existing front porch) of 14 feet in lieu of the required 18 feet, 9 inches for Proposed Lot 2.

HEARING: MONDAY, JUNE 10, 1996 at 11:30 a.m. in Room 118, Old Courthouse.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

May 13, 1996

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-433-A (Item 430)
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HEARING: MONDAY, JUNE 10, 1996 at 11:30 a.m. in Room 118, Old Courthouse.

Arnold Jablon
Director

cc: Robert L. Krach
W. Duvall & Associates, Inc.
O'Shea & Murphy Builders
Newton Williams, Esq.

NOTES: (1) HEARING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

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on Recycled Paper



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

June 5, 1996

Newton Williams, Esquire
210 W. Pennsylvania Avenue
Suite 700-Court Towers
Towson, MD 21204

RE: Item No.: 430
Case No.: 96-433-A
Petitioner: Robert L. Krach

Dear Mr. Williams:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on May 2, 1996.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Supervisor

WCR/ze
Attachment(s)

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on Recycled Paper

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: PDM DATE: 6-4-96
FROM: R. Bruce Seelye
Permits and Development Review
DEPRM
SUBJECT: Zoning Advisory Committee
Meeting Date: May 13/1996

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee items:

Item #s: 423 432
424 433
425 434
426 435
428 436
429
430
431

Seelye

RBS:sp

BRUCE2/DEPRM/TXTS8P

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Permits and Development
Management

DATE: May 23, 1996

FROM: Pat Keller, Director
Office of Planning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning has no comments on the following petition(s):
Item Nos. 430 and 432.

If there should be any further questions or if this office can provide additional
information, please contact Jeffrey Long in the Office of Planning at 887-3495.

Prepared by: Jeffrey W. Long

Division Chief: Gary L. Kears

PK/JL/LW

ITEM430/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Department of Permits & Development
Management

Date: May 20, 1996

FROM: Robert W. Bowling, Chief
Development Plans Review Division
Department of Permits & Development
Management

SUBJECT: Zoning Advisory Committee Meeting
for May 20, 1996
Item Nos. 423, 425, 426, 428, 429,
430, 434, 436

The Development Plans Review Division has reviewed the subject
zoning item, and we have no comments.

RWB:HJD:jrb

cc: File

DOM10

Baltimore County Government
Fire Department

700 East Joppa Road
Towson, MD 21286-5500

Office of the Fire Marshal
(410) 887-4880

DATE: 05/16/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

Location: DISTRIBUTION MEETING OF MAY 13, 1996.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed
by this Bureau and the comments below are applicable and required to
be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 423, 424, 425, 426, 428,
429, 430, 431, 432, 433, 435 AND 436.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

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on Recycled Paper

SHA Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 436 (JCH)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to
approval as it does not access a State roadway and is not affected by any State
Highway Administration projects.

Please contact Bob Small at 410-545-5581 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

RE: PETITION FOR VARIANCE * BEFORE THE
605 Dale Avenue, E/S Dale Avenue, 28' +/- * ZONING COMMISSIONER
NE of c/l Meise Drive, 14th Election *
District, 6th Councilmanic * OF BALTIMORE COUNTY
Legal Owner: Robert L. Krach * CASE NO. 96-433-A
Contract Pur.: O'Shea & Murphy Builders *
Petitioners * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-
captioned matter. Notice should be sent of any hearing dates or other
proceedings in this matter and of the passage of any preliminary or
final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17th day of June, 1996, a copy of
the foregoing Entry of Appearance was mailed to Newton A. Williams,
Esquire, Nolan, Plumhoff & Williams, 210 W. Pennsylvania Avenue, Suite
700, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Newton A. Williams</u>	<u>823-7800</u>
<u>Timothy S. O'Shea</u>	<u>760 East Joppa Rd. 2104</u>
<u>George McCusker</u>	<u>530 E. Joppa Rd. 21204</u>

PLEASE PRINT CLEARLY

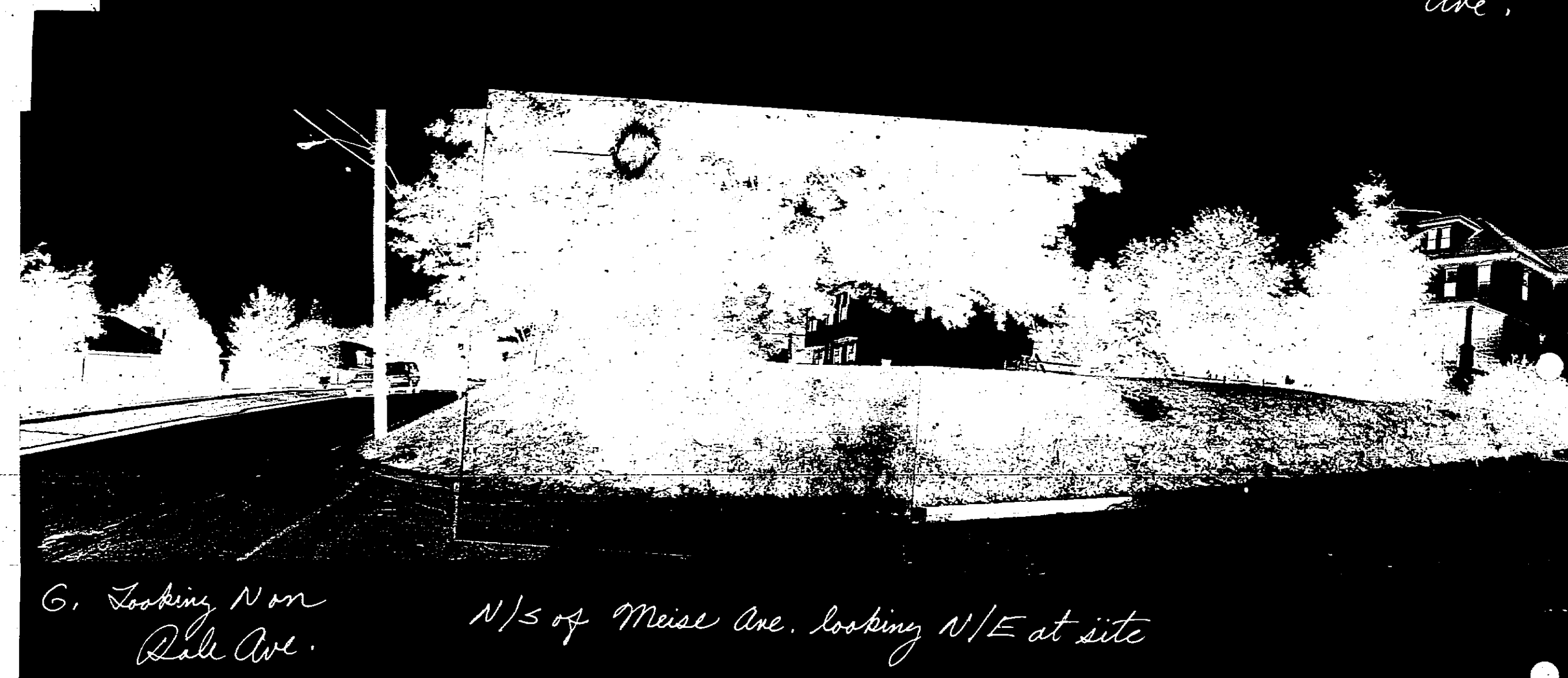
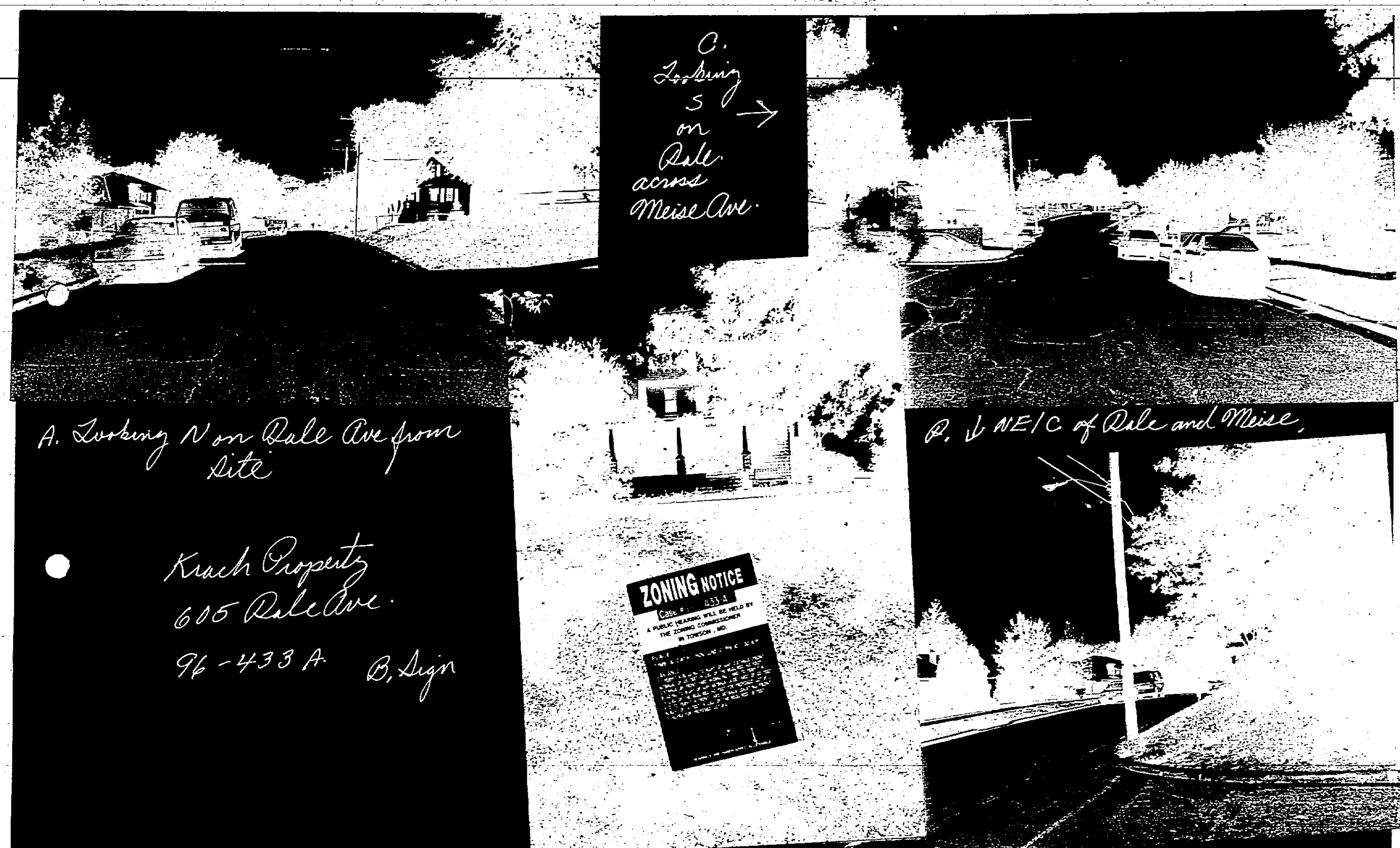
PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
<u>Gene Milchling</u>	<u>609 Dale Avenue</u>

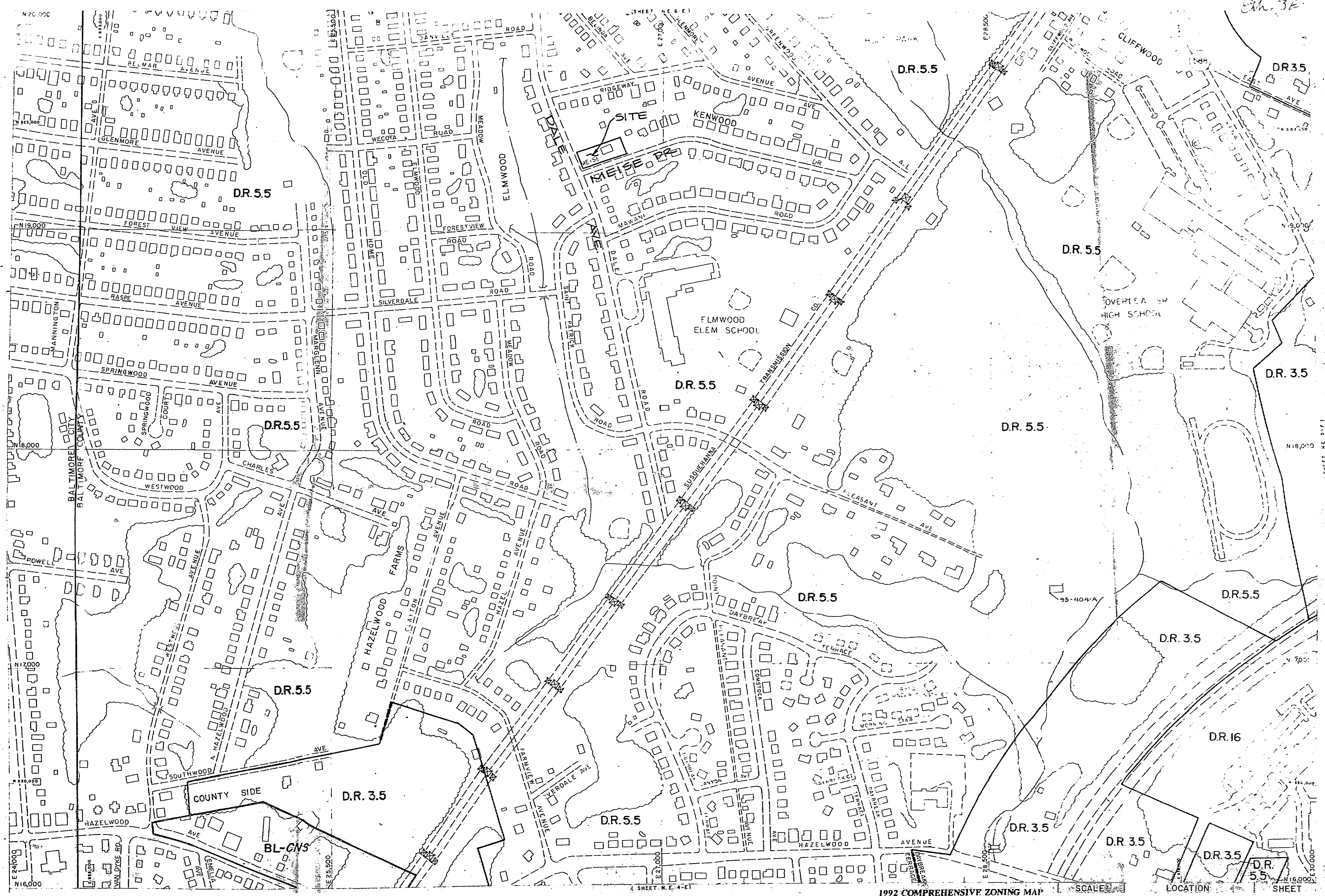
WE THE UNDERSIGNED RESIDENTS OF PROPERTY AROUND THE PROPOSED NEW
HOUSE TO BE LOCATED AT 605 DALE AVENUE 21204 DO NOT WANT ANY
ZONING VARIANCE FOR SAID PROPERTY. OUR REASONS ARE:
1. ANY HOUSE BUILT ON THIS LOT WOULD REQUIRE CUTTING DOWN AN OAK
TREE LOCATED ON THE CORNER OF THE PROPERTY THAT WE THINK IS ABOUT
150 YEARS OLD.
2. ANY HOUSE SET BACK 10 FEET WOULD BE BUILT OVER EXISTING SEWER
LINES FROM 201 & 203 DALE AVENUE.
3. ANY HOUSE BUILT ON THIS LOT WOULD HAVE TO BE BUILT SO CLOSE TO
607 DALE AVENUE AND THE OLD 605 DALE AVENUE HOUSES THAT IT WOULD
PRETEND FROM THE PROPERTY LINES.
4. THERE IS ALREADY VERY LITTLE ON STREET PARKING ON DALE AVENUE
LEFT AND THERE WOULD BE NO WAY TO GET A DRIVEWAY INTO THIS
LOCATION.

Gene Milchling 609 Dale Avenue
Phyllis Smith 609 Dale Ave
Timothy C. O'Shea on Dale Ave
Louis J. Williams on Dale Ave
John J. Williams 609 Dale Ave
John J. Williams 609 Dale Ave
John J. Williams 609 Dale Ave
John J. Williams 609 Dale Ave
John J. Williams 609 Dale Ave
John J. Williams 609 Dale Ave
John J. Williams 609 Dale Ave
John J. Williams 609 Dale Ave

Part No 2



20.0 ft.
Ch. 3E



NE I-NW
N-SE M-SW

THIS MAP HAS BEEN REVISED IN SELECTED AREAS
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART HORN INC BALTIMORE MD 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992

1992 Nos. 183-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92
William A. Howard
Chairman, County Council

SCALE
1" = 200'
DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
OVERLEA
SHEET
N.E.
E-E